

# Notice of Allowability

Application No.

10/619,185

Examiner

Sunit Pandya

Applicant(s)

TOYODA, HIROBUMI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 6/20/2007.
2. ☒ The allowed claim(s) is/are 21-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alfred Stadnicki on August 20, 2007.

The application has been amended as follows:

**Claim 21 (delete the content of the previous claim & replace with the following):**

-- A gaming machine for a plurality of players to play a game against each other, comprising:

a display for displaying a state of a game;

a response image data store for storing individual response image data for each of at least one virtual player, the stored response image data for each virtual player representing different expressions associated with different reactions of that virtual player;

a game history data store for storing game history data representing results of play of the game by each of the at least one virtual player;

a fortune data store for storing fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling; and

a game controller for (i) determining if a number of real players is insufficient to play the game, (ii), if the number is determined to be insufficient, selecting the stored response image data for a virtual player representing one of the different expressions associated with different reactions of that virtual player and corresponding to a circumstance of the game being played, for presentation as an image to a real player of the game being played with the gaming machine, and (iii) controlling the play of the virtual player according to an individual personality of that virtual player which is determined based on at least the stored game history data and the stored fortune data.

**Claim 26 (delete the content of the previous claim & replace with the following):**

-- A method of controlling the play of a game by a plurality of players against each other, comprising:

determining if a number of real players is insufficient to play the game; if the number is determined to be insufficient, selecting, from response image data that respectively represents different expressions associated with different reactions of each of at least one virtual player, the response image data for a virtual player representing one of the different expressions associated with different reactions of that virtual player and corresponding to a circumstance of the game being played, for presentation as an image to a real player of the game being played with the gaming machine;

determining an individual personality of the virtual player based on at least game history data representing results of play of the game by each of the at least one virtual

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player and fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling;

controlling the play of the virtual player against other of the plurality of players according to the determined individual personality of that virtual player; and  
displaying a state of the game.

**Claim 29 (delete the content of the previous claim & replace with the following):**

--The method according to claim 26, wherein said state of the game is displayed individually to each real player playing the game.

**Claim 31 (delete the content of the previous claim & replace with the following):**

-- A server for controlling play a game by a plurality of players against each other on multiple gaming machines, each gaming machine including a display for displaying a state of the game and a game controller for controlling the state of the game in accordance with input of a real player, the server comprising:

a response image data store for storing individual response image data for each of at least one virtual player, the stored response image data for each virtual player representing different expressions associated with different reactions of that virtual player;

a game history data store for storing results of play of the game by each of the at least one virtual player;

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a fortune data store for storing fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling; and

a server controller for (i) determining if a number of real players is insufficient to play the game, (ii) if the number is determined to be insufficient, selecting the stored response image data for a virtual player representing one of the different expressions associated with different reactions of that virtual player and corresponding to a circumstance of the game being played, and (iii) controlling the play of the game by the virtual player according to an individual personality of that virtual player which is determined based on at least the stored game history data and the stored fortune data;

wherein the game controller of a first of the multiple gaming machines, which is associated with a real player of the game, directs an image of the virtual player with the expression represented by the selected response image data to be presented on the display of the first game machine.

**Claim 35 (delete the content of the previous claim & replace with the following):**

-- A gaming machine for a plurality of players to play a game against each other, comprising:

an image data store for storing image data representing an image of each of at least one virtual player;

a game history data store for storing results of play of the game by each of the at least one virtual player;

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a fortune data store for storing fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling;

a game controller for (i) determining if a number of real players is insufficient to play the game, (ii) if the number is determined to be insufficient, directing the presentation of the image of one of the at least one virtual player represented by the stored image data in association with an expression corresponding to a circumstance of the game being played with the gaming machine, and (iii) controlling progress of the game in accordance with information input by a player, and the play of the game by the one virtual player according to an individual personality of that virtual player corresponding to at least the stored game history data and the stored fortune data; and

a display screen for presenting the image of the one virtual player with the expression in accordance with the game controller directive.

**Claim 40 (delete the content of the previous claim & replace with the following):**

-- A method of controlling the play of a game by a plurality of players against each other, comprising:

determining if a number of real players is insufficient to play the game;

displaying a virtual player, only if the number of real players is determined to be insufficient to play the game;

controlling play of the game by the displayed virtual player against the other of the plurality of players according to an individual personality of that virtual player which

is determined based on at least game history data representing results of play of the game by that virtual player and fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling; and

displaying a state of the play of the game by the plurality of players.

**Claim 43 (delete the content of the previous claim & replace with the following):**

-- A gaming machine for a game in which a plurality of players participate, comprising:

a basic-personality data store for storing basic-personality data for each of at least one virtual player;

a game history data store for storing results of play of the game by each of the at least one virtual player;

a fortune data store for storing fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling; and

a game controller for (i) determining if a number of real player is insufficient to play the game, (ii) if the number is determined to be insufficient, selecting the stored basic-personality data for a virtual player, (iii) setting the personality of the virtual player based on at least the selected basic-personality, the stored game history data, and the stored fortune data, (iv) controlling the play of the virtual player according to the set

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personality, and (v) changing the game history data in response to a result of the game being played.

**Claim 46 (delete the content of the previous claim & replace with the following):**

-- The gaming machine according to claim 21, further comprising:

a basic-personality data store for storing basic-personality data for each of the at least one virtual player; and

wherein the game controller controls the play of the virtual player according to the individual personality of that virtual player by (i) selecting the stored basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data by referencing of the stored game history data and the stored fortune data.

**Claim 47 (delete the content of the previous claim & replace with the following):**

-- The method according to claim 26, wherein:

determining the individual personality of the virtual player includes (i) selecting basic-personality data for that virtual player from basic-personality data for each of the at least one virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and with reference to the game history data and to the fortune data.

**Claim 48 (delete the content of the previous claim & replace with the following):**



-- The server according to claim 31, further comprising:

a basic-personality data store for storing basic-personality data for each of the at least one virtual player;

wherein the server controller controls the play by the virtual player according to the individual personality of that virtual player by (i) selecting the stored basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and with reference to the stored game history data and the stored fortune data.

**Claim 49 (delete the content of the previous claim & replace with the following):**

-- The gaming machine according to claim 35, further comprising:

a basic-personality data store for storing basic-personality data for each of the at least one virtual player;

wherein the game controller controls the play by the one virtual player according to the individual personality of that virtual player by (i) selecting the stored basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and by referencing the stored game history data and the stored fortune data.

**Claim 50 (delete the content of the previous claim & replace with the following):**

-- The method according to claim 40, wherein:

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controlling play of the game by the displayed virtual player includes determining the individual personality of the displayed virtual player by (i) selecting basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and with reference to the game history data and to the fortune data.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The claims in the instant applicant have not been rejected using prior art because, no references, or reasonable combination thereof, could be found which disclose, or suggest a fortune data store for storing fortune data for each of the at least one virtual player, the fortune data changing according to the day in accordance with a biorhythm of fortune telling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

  
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Supervisory Patent Examiner  
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